IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.812 OF 2004
IN
SUMMARY SUIT NO.1439 OF 2004

Gautam Ahuja ..Plaintiff

Vs.

Sai Glass Containers ..Defendants

WITH

SUMMONS FOR JUDGMENT NO.813 OF 2004
IN
SUMMARY SUIT NO.1478 OF 2004

Gautam Ahuja ..Plaintiff

Vs.

Sai Glass Containers ..Defendants

WITH

SUMMONS FOR JUDGMENT NO.814 OF 2004
IN
SUMMARY SUIT NO.1479 OF 2004

Gautam Ahuja ..Plaintiff

Vs.

Jai Laxmi Glass Works ..Defendants

Ms.K.C.Nichani for the plaintiff

Mr.Vijay Nair a/w M.P.Rege for the defendants

CORAM : S.U.KAMDAR, J
DATED : 3RD OCTOBER, 2005

P.C.:

1. The suit is filed as summary suit on the

basis of payment voucher which is for interest amount and TDS certificate in respect of tax deducted on interest. It is the case of the plaintiff that from the aforesaid document, I must read the contract for loan though the same is not in writing. In my opinion, suit is not maintainable as Summary Suit under Order 37 Rule 2 of the CPC. In that view of the matter, Summons for Judgment is dismissed. Unconditional leave to defend is granted. Suit is transferred to the list of Commercial Causes. Written Statement or points of defence to be filed within four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.